

**STATE ADMINISTRATIVE BOARD
RESOLUTION**

February 20, 2007

APPROVAL OF HEARING OFFICER CONTRACTS

WHEREAS, under Section 3 of 1921 PA 2, MCL 17.3, the State Administrative Board ("Board") exercises general supervisory control over the functions and activities of all administrative departments, boards, commissioners, and officers of this state, and of all state institutions;

WHEREAS, under Section 2 of 1921 PA 2, MCL 17.2, the Board may adopt rules governing its procedure and providing for the general conduct of its business and affairs;

WHEREAS, Executive Order No. 2005-1, as amended, consolidated administrative hearing functions within the State Office of Administrative Rules and Hearings;

WHEREAS, increased scrutiny by the Board of contracts for administrative hearing functions performed by hearing officers will promote the objectives of Executive Order No. 2005-1, including, but not limited to, greater efficiency within state government;

NOW, THEREFORE, the State Administrative Board resolves:

1. Notwithstanding any other Board resolution, effective February 21, 2007, all contracts and amendments of contracts for services to be performed by a hearing officer, regardless of amount or funding source, shall be approved by the Board prior to execution.
2. Prior to submission to the Board, all contracts and amendments of contracts for services to be performed by a hearing officer shall be submitted to the Director of the State Office of Administrative Hearings and Rules for review and comment. The comments of the Director of the State Office of Administrative Hearings and Rules shall be included at the time a contract or amendment is submitted to the Board.
3. As used in this resolution, "hearing officer" means an individual who conducts or handles administrative hearings or administrative hearing functions for a state department or agency, including, but not limited to, a hearing officer, hearings officer, hearing examiner, administrative law judge, or a presiding officer. "Hearing officer" does not include an elected state official, a member of a board, commission, or tribunal appointed by the governor, or other state officer or employee appointed by the governor.
4. The Board requests that the Department of Management and Budget update the Administrative Guide to State Government consistent with this resolution.
5. The Secretary of the Board shall transmit copies of this resolution to the director of each principal department of state government and to the Director of the State Office of Administrative Hearings and Rules.